



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

November 4, 2022

BY ECF

The Honorable P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Omar Lopez Castro, et al., S14 19 Cr. 536 (PKC)* B, 2022.

Dear Judge Castel:

For reasons stated by the Government in the last paragraph of the letter of Nov 4 (Doc 350), time is excluded under the Speedy Trial Act until December 13, 2022. Letter motion (Doc 350) is GRANTED SO ORDERED J. H. USDJ 11-17-22

Since August 2022, grand juries in the district have returned the S12, S13, and S14 Superseding Indictments in this case, which collectively charge Omar Lopez Castro, Esteban Vargas Sanjurjo, Roberto Nieves Perez, and Eric Fernandez Colon with conspiring to traffic thousands of kilograms of cocaine from Puerto Rico to the continental United States. The Court held an initial conference in this case on September 7, 2022, at which defendant Roberto Nieves Perez was present. The court set the next status conference in the case for December 13, 2022, and with the consent of Nieves Perez, excluded time until December 13, 2022. The Government submits this letter to request that the Court exclude time on the recently returned S14 Superseding Indictment through the same date. Counsel for Nieves Perez previously consented to the exclusion of time through that date, and counsel for Vargas Sanjurjo and Fernandez Colon have also stated they also have no objection to the request. Counsel for Lopez Castro has stated he objects to the exclusion of time to the conference date.

To update the Court on the status of the indictments and the defendants in this case, the S12 Superseding Indictment was returned on August 19, 2022 and charged Roberto Nieves Perez and Eric Fernandez Colon with conspiring to traffic cocaine. Fernandez Colon was arrested in Puerto Rico on August 23, 2022, and he made his initial appearance in the Southern District of New York on September 29, 2022. Nieves Perez was arrested in New York on August 31, 2022, and he made his initial appearance on September 1, 2022.

The S13 Superseding Indictment was returned on September 27, 2022. That indictment charged both defendants from the S12 Superseding Indictment and also charged Omar Lopez Castro. Lopez Castro had been initially charged by complaint and arrested in New York on September 1, 2022.

The S14 Superseding Indictment was returned on October 20, 2022. That indictment charged all three defendants from the S13 Superseding Indictment and also charged Vargas Sanjurjo with conspiring to traffic cocaine, and with one count of substantive cocaine trafficking. Vargas Sanjurjo had been initially arrested on in New York October 6, 2022, and he was charged by complaint the next day.

As of today, all four defendants have been arraigned on one of the indictments that charges them with trafficking cocaine. Vargas Sanjurjo is the only defendant who has been arraigned on the S14 Superseding Indictment, and the Court has indicated it will arraign all other defendants on that S14 Superseding Indictment at the next conference. The Government is currently in the process of producing discovery in this case, in accordance with the timeline set at the initial conference on September 7, 2022. As discussed at the conference, the initial discovery production will include more than one terabyte of evidence gathered during this years-long investigation, and the additional evidence generated during the recent investigations and arrests of these defendants.

Excluding time under the Speedy Trial Act through the next conference date, on December 13, 2022, is in the interests of justice because, among other things, the requested exclusion will allow the Government to produce the voluminous discovery in the case, afford defense counsel time to review the evidence and evaluate whether pre-trial motions will be made, and enable the parties to discuss any pretrial resolutions to the charges. 18 U.S.C. § 3161(h)(7)(A), (B). Moreover, three of the four defendants who are charged together consent to the exclusion of time. *See* 18 U.S.C. § 3161(h)(6). In sum, given the scope of evidence in the case, the nature of the charges, the number of defendants involved, and the status of other defendants charged on other indictments in this case, including a trial scheduled for December 12, 2022, the interests of justice will be best served by excluding Speedy Trial Act time. Accordingly, the Government respectfully requests that time be excluded through December 13, 2022.

Respectfully submitted,

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cc: All defense counsel (by ECF)